

REMARKS

In view of the following remarks, the Examiner is respectfully requested to allow claims 31 and 40, the only claims pending and currently under examination in this application.

FORMAL MATTERS:

Please cancel claims 1-30 and 32-39 without prejudice or disclaimer.

Claims 31 and 40 are currently amended. Support for these amendments is found at least in the specification at paragraphs [0006] and [0035].

The specification has been amended to remove an embedded hyperlink and to insert SEQ ID NOS from the sequence listing and clone identifiers from the drawings.

The Applicants assert these amendments add no new matter and their entry is respectfully requested.

OBJECTIONS TO THE SPECIFICATION

The Examiner has objected to the specification as containing an embedded hyperlink in paragraph [0099]. The hyperlink has been removed, and the Applicants request withdrawal of this objection.

OBJECTIONS TO THE CLAIMS

The Examiner has objected to claim 31 as containing informality with regard to nomenclature. Claim 31 has been amended to spell out the informal abbreviation "DKKL1" as "Dickkopf-like 1" in the claim, and the Applicants respectfully request withdrawal of this objection.

REJECTIONS UNDER §112

The Examiner has rejected claims 31 and 40 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner has asserted the claims are indefinite due to a lack of sequence identifiers (SEQ ID NOS). The Applicants have amended the claims to include SEQ ID NOS and respectfully request that the rejection of claims 31 and 40 under 35 U.S.C. §112, second paragraph, be withdrawn.

DOUBLE PATENTING

The Examiner has provisionally rejected claims 31 and 40 under the doctrine of non-statutory, obviousness-type double patenting. The Examiner asserts that while claims 31 and 40 are not identical to claim 60 of co-pending US Patent Application No 11/887,692, they are not patentably distinct.

A terminal disclaimer properly filed under 37 C.F.R. §1.321(c)-(d) may be used to overcome an actual or provisional rejection based on non-statutory obviousness-type double patenting. The Applicants respectfully request that the provisional rejection of claims 31 and 40 be held in abeyance until the claims are considered allowable. If at that time, the Examiner still asserts that the claims may be rejected under obviousness-type double patenting, the Applicants will submit a terminal disclaimer.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at (510) 923-2438.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-4409, Customer No. 75074.

Respectfully submitted,

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